

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

January 27, 2006

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, January 27, 2006, at 9:30 a.m., in Lower Level Conference Room A of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published January 16, 2006 in the Lincoln Journal Star.

I. CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Chairman Jon Bruning. The following members were **in attendance**: Jon Bruning, William Brueggemann, Scot Ford, Charles Headley, Susan Jacobs, Paul Leseberg, Kathy Moore arrived at 9:55 a.m., Don Overman, Peter Pirsch, James Riskowski arrived at 9:50 a.m., Thomas Warren, and William White. **Members excused**: Charlie Brewster, Robert Houston, and Bryan Tuma. **Staff present**: Mike Behm, Rick Barnica, Nancy Steeves, Bruce Ayers, Barbara McCreight, and Sarah Schoen. **Also present**: Robert Bell, PRO, Gene Klein, Director of Project Harmony, and Lynn Ayers, Director of Lincoln Child Advocacy Center.

Charles Headley, PSAC Chairman, was welcomed as a new member of the Commission.

II. APPROVAL OF MINUTES

Motion

A motion was made by Overman and seconded by White to approve the minutes of the Crime Commission meeting of October 28, 2005; Criminal Justice Information Systems Advisory Committee meeting of November 10, 2005; Nebraska Coalition for Juvenile Justice meeting of December 9, 2005; and the Police Standards Advisory Council meetings of October 19 and December 14, 2005. The motion passed unanimously by acclamation.

The minutes of the Jail Standards Board meeting of October 21, 2005 and the Community Corrections Council meetings of December 2, December 16, and December 30, 2005 were provided for the member's review.

III. EXECUTIVE DIRECTOR'S REPORT

Mike Behm presented his executive director's report noting the following:

- Long Range Planning Report: An eight member committee of staff members was put together in August, 2005 to come up with a two year plan. This committee developed a mission statement and vision statement and presented them in December, 2005.
- Sarah Schoen was hired as the Administrative Assistant for the Crime Commission.
- Eli McBride resigned from the Crime Commission as a Juvenile Monitor and began training with the FBI as a new agent.

IV. OLD BUSINESS

A. Update on revocation investigation of Douglas A. McCarty

Behm reported that an investigator has been assigned to the case by the Grand Island Training Center in order to work with the Kearney Police Department on this investigation. There was nothing further to report.

V. NEW BUSINESS

A. Nebraska Law Enforcement Training Center

Instructor Certification/Recertification

The Commission next considered one request for general instructor certification, and two requests for professional instructor recertifications. PSAC's recommendations were reported by Charles Headley.

Motion

A motion was made by White and seconded by Warren to grant the following instructor certification/recertification's per Police Standards Advisory Council's recommendations: General Instructor Certification to Roger Chrans, Nebraska State Patrol; Professional Instructor Recertification's to Joseph Lance Rogers, Nebraska State Patrol; and Destry Jaeger, Lincoln Police Department. Voting in favor of the motion: Brueggemann, Ford, Headley, Jacobs, Leseberg, Overman, Pirsch, Warren, and White. Motion carried unanimously.

2005 Sheriff's Continuing Education Report

- Charles Headley reported PSAC's recommendations of a waiver request for Sheriff Mark Bottoms, Perkins County. PSAC recommended the waiver be approved due to Sheriff Bottoms being in Iraq with the Military Department. He arrived home January 1, 2006.

Motion

A motion was made by Leseberg and seconded by Ford to approve Sheriff Mark Bottoms' request for a waiver of his 2005 sheriff's continuing education report. Voting in favor of the motion: Brueggemann, Ford, Headley, Jacobs, Leseberg, Overman, Pirsch, Warren, and White. Motion carried unanimously.

- PSAC found Sheriff Rick Eberhardt, Pierce County, in non-compliance of the 2005 sheriff's continuing education report. Bruning reported that a fax was received on January 26, 2006 showing that Eberhardt completed all of his 2005 education requirements. Behm recommended the non-compliance issue be dropped due to the evidence of Eberhardt's completion of his education requirements. Because no reasons were given as to why Eberhardt did not complete his requirements on time, the Commission tabled this item until the next meeting and will seek counsel on this issue. No further action was required at this time.

Annual Certification of the Nebraska State Patrol Training Academy

Charles Headley reviewed the recommendations of the Police Standard's Advisory Council on the annual certification of the Nebraska State Patrol Training Academy.

Motion

A motion was made by Overman and seconded by Leseberg to approve the annual certification of the Nebraska State Patrol Training Academy. Voting in favor of the motion: Brueggemann, Ford, Headley, Jacobs, Leseberg, Overman, Pirsch, Warren, and White. Motion carried unanimously.

Approve Tuition for FY 06/07 as per Operating Instruction #50-21

Charles Headley reviewed the recommendations of the Police Standard's Advisory Council on the tuition rates for FY 06/07. The recommended tuition fees, including lodging, are as follows: Basic Training = \$4,000.00; Jail Management = \$550.00; Management = \$200.00; Supervision = \$175.00; Reserve Training = \$1,000.00; Reciprocity = \$400.00; Sheriff's Continuing Ed. = \$125.00; Defensive Tactics/Instructor = \$250.00; Firearms/Instructor = \$530.00; EVOC/Instructor = \$250.00; Defensive Tactics/Recertification = \$100.00; and Firearms/Recertification = \$100.00. (You can also view the attached document for more information).

Motion

A motion was made by Warren and seconded by White to approve the following annual tuition rates for FY06/07 for the Training Center: Basic Training = \$4,000.00; Jail Management = \$550.00; Management = \$200.00; Supervision = \$175.00; Reserve Training = \$1,000.00; Reciprocity = \$400.00; Sheriff's Continuing Ed. = \$125.00; Defensive Tactics/Instructor = \$250.00; Firearms/Instructor = \$530.00; EVOC/Instructor = \$250.00; Defensive Tactics/Recertification = \$100.00; and Firearms/Recertification = \$100.00 . Voting in favor of the motion: Brueggemann, Ford, Headley, Jacobs, Leseberg, Overman, Pirsch, Warren, and White. Motion carried unanimously.

Update on the vacant Director position, LETC

At the last PSAC meeting, Behm was authorized to post the new Director position for the Grand Island Training Center. He reported that arrangements have been made for ads to be placed in the newspaper classifieds of Denver, Kansas City, Minneapolis, Lincoln and Omaha. The position will also be posted on the Grand Island Training Center, Crime Commission, CJIS and the Nebraska State Patrol's web sites. The ad for this position will run from February 1, 2006 to March 1, 2006.

B. Legislative Update

Ayers reported on some of the legislative bills introduced during the 2006 legislature that affect the criminal justice system in Nebraska. He pointed out that four bills directly affect the Crime Commission and two directly affect the Community Corrections Council. Information on bills introduced in 2005 or 2006 can be found at www.unicam.state.ne.us.

LB 940 (Schimek) Creates the Office of Homeland Security, with the Lieutenant Governor serving as the Director of State Homeland Security. A Homeland Security Policy Group is also created, with the members appointed by the Governor.

LB 1015 (Stuthman, Bourne, Cornett) Appropriates \$8,000,000 in each of the fiscal years 2006-07 and 2007-08 to the Department of Corrections to fund county jail reimbursement assistance.

LB 1025 (Bourne, Cornett, 4 others) The current statutory limit for county jail reimbursement is \$3,910,000 per fiscal year. LB 1025 eliminates the limit on funding.

LB 1044 (Dw. Pedersen) Allows the Director of Correctional Services to deposit up to 5% of wages earned by inmates in a work release program into the Victim's Compensation Fund.

LB 1078 (Mines) Current statutory language says that tuition and fees incurred in the pre-certification and certification training of law enforcement officers shall be the responsibility of the officer or his/her sponsoring agency, except through January 1, 2007 such expenses may be financed by the Law Enforcement Training Center. LB 1078 changes the date to January 10, 2011.

Ayers reported the catch to this is if we don't charge the tuition, the legislature will have to give us an appropriation to make up the difference because we will lose the LEIF revenue which amounts to \$515,000 per year.

LB 1206 (Louden, Combs, 3 others) Creates the Citizen Safety Grant Fund Program, to be administered by the Crime Commission. The grant program is restricted to the State Patrol, county sheriff's departments, or city police departments. Grants are to be awarded to address violent crime problems. The proposed use of the funds may include, but are not limited to, hiring additional law enforcement personnel or purchasing equipment or services. The program is funded via increases in taxes on beer, wine, and alcohol. The estimated revenue per year is \$2,420,000.

LB 1209 (Kruse, Jensen, Wehrbein, 4 others) Known as the Alcohol-Related Crash Reparations Act. Its intent is to reimburse people who have been victims of alcohol related crashes where the driver has been convicted with a DWI. The funding is provided by a substantial increase in taxes on beer, wine, and alcohol. The Crime Commission administers the funds, and the Crime Victim's Reparations Committee considers claims that are appealed from the hearing officer's decision. A fiscal note has not been completed because we do not know how many possible cases take place within a year.

LB 1257 (Brashear) Creates the Nebraska Prisoner Reentry Court, which shall be a highly structured judicial oversight process for the reintegration and transition of eligible participants from prison to the community. The number of judgeships and districts or boundaries for the reentry court will be determined by the Judicial Resources Commission. Initially, an acting judge shall be appointed by the Governor for a period of two years.

The eligibility requirements to participate in the Reentry Court are listed in LB 1257, as well as a range of necessary intervention services.

Other sections of LB 1257 add two voting members and one non-voting member to the Community Corrections Council and expand the Council's duties by adding the authority to grant funds to entities which will support the intent of the Community Corrections Act.

LB 1258 (Brashear, Bourne, Flood, 12 others) Appropriates the following general funds in Fiscal Year 2006-07:

Health and Human Services

6,500,000 to fund substance abuse treatment at the Norfolk Regional Center for offenders under the custody of DCS and sentenced to probation or participating in a non-probation-based program defined in 29-2246.

Supreme Court

368,182 to fund probation personnel for the Specialized Substance Abuse Supervision Program.

Community Corrections Council

2,650,000 to fund specialized courts.

3,000,000 for a Metropolitan Community Justice Recidivism Reduction Treatment Center.

1,250,000 to fund five day and evening reporting centers at locations where a Specialized Substance Abuse Supervision Program exists.

250,000 to fund the Buffalo County Reporting Center by providing a grant to a community-based behavioral health provider or a coalition of providers.

2,250,000 to fund substance abuse evaluation and treatment of offenders.

200,000 to fund a grant program to counties or a coalition of counties to expand sentencing options and provide supplemental local community-based corrections programs.

100,000 to fund a substance abuse and offender youth prevention program.

100,000 to fund training for probation, parole, and drug court personnel.

100,000 for funding behavioral health provider training.

C. Update on BYRNE/JAG Funds

Behm reported that the Crime Commission received notice on January 12, 2006 from the Bureau of Justice Administration (BJA) concerning the Nebraska BYRNE award. The 2006 award is \$1,288,957 compared to \$2,180,976 in 2005, and \$3,620,958 in 2004. This reduction in funding will significantly impact the awards to different task forces throughout the state. Prior to notification, Behm reported that the Crime Commission and the United States Attorneys Office conducted meetings in Kearney and Lincoln on January 11 & 12, 2006 to discuss the reduction of funds and its impact on the state.

D. Child Advocacy, Gary Lacey, Lancaster County Attorney's Office

Lynn Ayers, Director of Child Advocacy Center & Gene Klein, Director of Project Harmony updated the Commission on child advocacy centers (CAC) across the state and shared their hope that collaboration with more training centers will be accomplished in order to provide more support and training for child abuse situations across the state.

Ayers reported that there are 400 child advocacy centers across the country and seven centers in Nebraska. CAC is a multi-disciplinary team with a coordinated approach to child abuse. She reviewed the old approach to child abuse investigation and pointed out that it required children to re-live the trauma over and over again. The Child Advocacy model brings all professionals together under one roof in a coordinated response. By doing this, the child comes to the center with trained professionals who conduct the interview and medical examination. The Centers have trained forensic interviewers on site who videotape the interviews for other experts to watch. The Centers also have a medical examiner on staff with advanced training in this area, as well as a mental health expert. The advantage to this model is that everything can be taken care of at one place and at one time.

Klein reported that during Project Harmony's first year, they served 62 kids. In 2005, that was up to 1,305 forensic interviews, and 75% of those were sexual abuse allegations. Since 2003, the Governor has allocated funds to coordinate seven centers across the state and hire additional case workers. There are currently centers in Norfolk, Grand Island, Kearney, North Platte (developing stage), Scottsbluff, Omaha and Lincoln has had one since 1998. The challenge that they are facing is developing expertise in all seven centers across the state. The centers combined serve 6-7,000 kids annually.

Ayers reported that the CAC's challenge is knowing how to develop expertise in rural areas where the volume of cases isn't as large as in cities. She reported the Child Advocacy Center in Lincoln serves 17 counties, and they need to pool resources in order to develop this expertise in rural areas as well as in cities. The goal is to have a team response where 24/7 coverage is available. Klein and Ayers were asking for expertise in developing this vision and anyone who wants to help make this happen.

Warren posed this question, "What agencies are represented at Project Harmony and what is the funding source?"

Klein responded by reporting that the Omaha Police Department has 14 sworn officers that are special victim's officers; Health and Human Services has 45-case workers, and they lease space to 4 other agencies. In totality, Project Harmony has 80 professionals located in one building. The funding comes from the legislature appropriating money for the first time this year which is allocated to the seven centers across the state. They have a \$1 million budget, and \$600,000 of the budget must be raised through fund raisers. The city pays rent and they bill 3rd party insurance when possible.

Leseberg posed this question, "What do you do if you have a victim who is too young to testify?"

Klein reported that they rely heavily on physical evidence. He went on to say that 50% of the kids they see are under the age of six and are not good at testifying. Because of this, they have to rely more on the physical evidence. However, because of the resiliency of children, the physical evidence can be gone within 4-5 days. In these cases, the testimonies of the children are very important. The children are interviewed by experts and when there is no physical evidence, these interviews are relied upon a great deal, but if physical evidence is available that is the preferred method in these cases.

VI. OTHER BUSINESS

Bruning posed to the Commission that the Executive Director draft a resolution of thanks to Judge Tom Dorwart for his 29 years of service as a Cheyenne County Judge and his pioneering lead in drug courts.

Motion

A motion was made by Overman and seconded by Pirsch to have the Executive Director of the Crime Commission draft a resolution of thanks to Judge Tom Dorwart for his 29 years of service as a Cheyenne County Judge and his pioneering lead in drug courts. The motion passed unanimously by acclamation.

Overman revisited the BYRN/JAG grant funds. He wanted to know what the consensus was from the two meetings with the people involved in the task forces. He wondered how the task forces will continue to operate with the money being cut so drastically. Were there any suggestions given as to what will be done with such little money?

Behm reported that the staff knew this cut was coming and came close on their prediction as to how much money would be cut. One strong point that came from these meetings is the willingness to maintain sustainability of the task forces. The members of these task forces are still very committed to maintaining these forces and keep them going as long as possible. They also know that it will be difficult, but they want this to continue. Ever since this program was funded in 1987, there has always been a concern that these monies might go away, and we have now reached a point where we are becoming concerned that this program will end because the monies are being taken away. Even though there is a strong commitment to sustain these drug task forces in Nebraska, it is important to be aware that if the money disappears completely, the outlook for these task forces could change dramatically.

Warren reported that he anticipates having to wean programs off these grant funds. A commitment had to be made for general fund dollars or we risked not receiving that money. He reported that one recommendation is to pursue a state appropriations bill for next year. He feels that it is appropriate to pursue such a bill in order to replace some of the monies lost. He also reported that it is important to begin looking at alternative solutions because this funding is going away.

Bruning suggested that after the primary, the Commission should begin to plan how much money is needed and start working with the potential Governor to have a bill ready for 2007. He pointed out that early planning is very important, and it is critical that we gather legislators behind the proposed bill and have strategic timing in proposing the bill. It was pointed out that some Senators have expressed interest in supporting such a bill, and because of this, it is important that the Commission be strategic and build a strong coalition. He recommended the Commission plan for \$10 million.

VII. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, May 5, 2006, at 9:30 a.m., at the NE State Office Building, Lincoln in Lower Level A conference room.**

There being no further business, this meeting adjourned at 10:30 a.m.

Respectfully Submitted,

Sarah J. Schoen
Administrative Assistant